

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE: BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC
MDL 2641

**MASTER SHORT FORM COMPLAINT
FOR DAMAGES FOR INDIVIDUAL
CLAIMS**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint in MDL No. 2641 by reference (Doc 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Katelynne J. DiTomaso

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

New Hampshire

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

New Hampshire

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

New Hampshire

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the State of New Hampshire

8. Defendants (check Defendants against whom Complaint is made):



C.R. Bard Inc.



Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:



Diversity of Citizenship



Other: _____

- a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (check applicable Inferior Vena Cava Filter(s)):



Recovery[®] Vena Cava Filter



G2[®] Vena Cava Filter



G2[®] Express (G2[®]X) Vena Cava Filter



Eclipse[®] Vena Cava Filter



Meridian[®] Vena Cava Filter

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Denali[®] Vena Cava Filter

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Other: _____

11. Date of Implantation as to each product:

[02/22/2010] 02/22/2006

12. Counts in the Master Complaint brought by Plaintiff(s):

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Count I: Strict Products Liability – Manufacturing Defect

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Count II: Strict Products Liability – Information Defect (Failure to Warn)

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Count III: Strict Products Liability – Design Defect

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Count IV: Negligence - Design

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Count V: Negligence - Manufacture

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Count VI: Negligence – Failure to Recall/Retrofit

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Count VII: Negligence – Failure to Warn

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Count VIII: Negligent Misrepresentation

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Count IX: Negligence *Pro Se*

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Count X: Breach of Express Warranty

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Count XI: Breach of Implied Warranty

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Count XII: Fraudulent Misrepresentation

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Count XIII: Fraudulent Concealment

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Count XIV: Violations of Applicable New Hampshire (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

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Count XV: Loss of Consortium

- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting this Count in the space, immediately below)

RESPECTFULLY SUBMITTED this 15th day of February, 2017.

MURPHY LAW FIRM, LLC

/s/ Peyton P. Murphy

PEYTON P. MURPHY (LA Bar #22125)

(admitted *pro hac vice*)

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify on this 15th day of February, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Peyton P. Murphy

Peyton P. Murphy (LA Bar #22125)